



BOARD OF ADJUSTMENT

WEDNESDAY, September 30, 2009

LEGAL ACTION REPORT

1. Call to Order: 1:40 p.m.
2. **C10-09-15 NORIEGA PROPERTY PARCEL SPLIT/I. AND L. NORIEGA, 3333 WEST MOCKINGBIRD LANE, SR**

The applicants' property is a 10.5 acre irregular shaped parcel developed with a 4,925 square foot single family dwelling, and is zoned SR "Suburban Ranch". The applicants' propose to subdivide the parcel into three lots via the Minor Subdivision Plat process. These proposed lots are subject to compliance with all Land Use Code regulations applicable to minor subdivisions. The applicants are seeking zoning approval to allow the sole access easement to the lots to remain unimproved. Tucson *Land Use Code (LUC)* Sections applicable to this project include, but are not limited to Section 2.2.4 providing design criteria for development in the SR zone and Section 4.1.8 "Subdivision Design Standards" which provides the criteria for all weather access to subdivisions. The applicants are requesting the following variances: 1) Allow Mockingbird Lane to remain unpaved; and, 2) Eliminate the all weather crossing at the Enchanted Hills Wash.

DECISION: VARIANCES 1 and 2 GRANTED.

[DECISION NOTE]

These variances are effectuated by the recordation of the Final Plat.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

3. **REQUEST FOR RECONSIDERATION OF C10-09-13**

The applicants' property is a 7,414 square foot lot located on the northeast corner of East Lester Street and North Euclid Avenue and is zoned "R-2" Residential. The site is developed with a three (3) bedroom single-family dwelling and a detached accessory structure that has been converted into a second three (3) bedroom single-family dwelling. An addition to the principle dwelling and conversion of the carport into a second dwelling occurred without prior zoning approval and permits. The room expansion and second dwelling are subject to compliance with all Land Use Code (LUC) criteria applicable to new construction.

The applicants are seeking zoning approval to allow the addition and second dwelling to remain as constructed and to provide vehicular access and maneuvering, parking and vehicular use area improvements per the submitted plans. Tucson LUC Sections applicable to this project include, but are not limited to, the following: Section 2.3.5, which provides the criteria applicable to residential development in the R-2 zone; Section 2.8.3 which provides the criteria for development along a Major Streets and Route (MS&R); Sections 3.2.5 and 3.2.6 which provide the development criteria applicable to all principle and accessory structures; and, Sections 3.2.8 and 3.3.7 which provide the development criteria for pedestrian access and vehicular use areas including parking, vehicular access, maneuvering, landscaping and screening. The applicants are requesting the following variances: 1) Allow the room addition to the principal dwelling to remain as constructed within the future Major Streets and Routes (MS&R) right-of-way; 2) Allow the second dwelling to remain as constructed with a reduction in the building setback from twenty-one (21) feet to fourteen (14) feet, as measured from the face of the existing curb; 3) Allow the second dwelling to remain as constructed within the future Major Streets and Routes (MS&R) right-of-way; 4) Allow primary vehicular access and maneuvering from the alley and allow a reduction in the width of the parking area access lane (alley) from twenty-four (24) feet to twenty (20) feet; and, 5) Reduce the number of motor vehicle parking spaces from five (5) spaces to four (4) spaces, all as shown on the submitted plans.

DECISION: VARIANCES 1, 2, 3, 4 AND 5 DENIED.

NOTES:

- A. Applicant to obtain applicable demolition and/or construction permits within 45 days.
- B. Structures to be removed or modified to meet required setbacks within 180 days.

The applicant is requesting a reconsideration of the Board's August 26, 2009 decision to deny the setback, access, maneuvering, PAAL width, and parking variance requests listed above.

DECISION: REQUEST FOR RECONSIDERATION: GRANTED AS FOLLOWS:

A) THE REHEARING OF THESE VARIANCES IS SCHEDULED TO THE DECEMBER 30, 2009 PUBLIC HEARING.

B) APPLICANT TO SEND OFFER TO MEET NOTICE TO AFFECTED PARTIES PER REGULATIONS AND HOLD SECOND MEETING NO LATER THAN TWO WEEKS PRIOR TO THE NEW PUBLIC HEARING.

- 7. Adjournment: 3:00 p.m.